

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

CM(M) No. 33/2026

Javed Ahmed Matta

...Petitioner(s)

Through: Mr. Junaid Amin, Advocate with
Mr. Manzoor Ahmad Kakroo, Advocate
Mr. Kainaat Mushtaq, Advocate

Vs.

Commissioner and Ors.

...Respondent(s)

Through: Mr. Bikramdeep Singh, Dy. AG with
Ms. Nowbahar Khan, Assisting Counsel

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER

05.02.2026

1. Under the garb of an iron caging placed at the site of the premises in reference, the petitioner intended to come up with an intended construction activity without due building sanction only to be checkmated by the Srinagar Municipal Corporation's Establishment resulting in putting the petitioner on a show cause notice No. **SMC/Enf/W/899-903** dated **27.06.2025** objecting to the installation of iron posts/erection of iron angles over the compound wall.

2. The aforesaid show cause notice came to be replied by the petitioner stating that no building permission is to be required at his end from the Srinagar Municipal Corporation as he is not putting up any construction by referring to simple steel angles forming a cage/netting structure admitting of no construction.

3. The purpose stated by the petitioner in setting up the so-called simple steel angles embedded in the soil and connecting with each other to create a structure of its sort, was solely for domestic purposes particularly to prevent unwanted ingress into the private compound and for safety and security of the children on the property without any commercial activity being involved therein. The petitioner further came to take an exception to the action of the Srinagar Municipal Corporation that for the last three months said iron-steel framed structure was in existence not to be objected to by any officer of the Srinagar Municipal Corporation.

4. The reason so cited by the petitioner did not convince the Srinagar Municipal Corporation which resulted in issuance of order No. **SMC/Enf/W/930-38** dated **01.07.2025**, thereby ordering the demolition/pulling

down of the illegal/unauthorized construction as identified in the show cause notice.

5. The passing of order No. **SMC/Enf/W/930-38** dated **01.07.2025** by the Srinagar Municipal Corporation acting through its Enforcement Officer (West), led the petitioner to prefer an appeal before the Jammu and Kashmir Special Tribunal which has resulted in its rejection by way of an impugned order dated **22.01.2026** on file No. **JKSTS/7682/2025**.

6. The petitioner, in his memo of appeal, intended to salvage the action carried out on his part by stating that installation was undertaken and put in place for indoor domestic sports/recreation facility pertaining to the family household.

7. Section 329 of Municipal Corporation Act, 2000 provides that any person who intends to use a place for public resort, recreation, or amusement is first supposed to apply for a licence from the Commissioner Municipal Corporation, which, in the present case, is Srinagar Municipal Corporation and then put the premises for said recreational purposes.

8. Surely, the petitioner did not have any such permission/licence prior in hand before putting up the so-called iron/steel networking over the run of the boundary wall which in a sense was heightening of the boundary wall and thus constituted to be a building exercise at the end of the petitioner which was supposed to be checked by none other than Srinagar Municipal Corporation from the point of view of construction as well as from the point of view of use of the premises for recreational purposes.

9. The petitioner comes forward with the present writ petition as if to seek validation of his act of defying the law by his machination of identifying act on his part of very innocuous nature. Even in the case, the petitioner would have made use of the bamboos for the same very purpose instead of the iron/steel pipes placed and embedded over the existing boundary walls, the Srinagar Municipal Corporation would have been well within its right to check the petitioner before proceeding ahead with the further improvement and development of the objectionable structure.

10. This Court finds nothing illegal in the adjudication of the Special Tribunal and, therefore, is not inclined

to grant any indulgence in the writ petition which is **dismissed** accordingly.

11. However, in case if the petitioner would apply or has already applied in a due and proper manner before the concerned authority including the Srinagar Municipal Corporation for the purpose for which the petitioner intended the setting up or raising of objectionable structure, then the concerned authority and/or the Srinagar Municipal Corporation shall deal with the application of the petitioner in accordance with law of course un-influenced by any observations made by this Court or for that matter by the Special Tribunal in the matter.

(RAHUL BHARTI)
JUDGE

SRINAGAR:
05.02.2026
Shabroz